

DIVISION OF APPRENTICESHIP STANDARDS
INITIAL STATEMENT OF REASONS
FOR PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTIONS 290.0, 290.1, 291.0, 291.1, 291.2, 291.5,
292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, and 296.4.

Prepared by:
Vanessa L. Holton, Chief Counsel
Fred Lonsdale, Counsel
Carol Belcher, Counsel
Office of the Director - Legal Unit
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
(415) 703-4240

INITIAL STATEMENT OF REASONS

The Legislature enacted a program for certifying electricians in 1999, beginning with Labor Code section 3099. In two prior rulemakings, the Division of Apprenticeship Standards [“DAS”] adopted regulations to implement and enforce this section. Issues have arisen in the operation of this program, and the Legislature has enacted additional changes in AB 2907 of 2006 since the last rulemaking. The DAS is charged with promulgating regulations to implement the program and the most recent set of legislative changes. These regulations are put forth pursuant to those directives.

PURPOSE AND RATIONALE:

Section 290.0 is the “general scope and application” provision for the electrician certification regulations. This section originally described the scope and application of certification when certification was voluntary. Now that certification is mandatory, the DAS proposes to add wording to address what that means: *i.e.*, that it allows the individual to lawfully perform any work which requires the type of certification held by that individual.

Section 290.1, the “definition” section, is amended in three sets of ways. First, section 290.1 is amended to implement changes enacted by the 2006 enactment of AB 2907. The definition for Approved Curriculum does this by adopting the term “designate as approved” to describe approved curriculum for electrician trainees. The definition for Educational Provider does this by adding private postsecondary educational institutions to the definition of who can be an Educational Provider for purposes of providing approved curriculum for electrician trainees.

Second, section 290.1 is amended to delete the defined term of “Electrical Contractor.” Instead, the regulations will use the words “C-10 contractor” or “electrical contractor” as appropriate. This should make the regulations easier for readers to understand.

Third, section 290.1 is amended to change the Electrician Trainee definition and add a definition for Electrician Trainee Registrant, to clarify that while one may register as an Electrician Trainee Registrant with DAS, one must also meet all the requirements of the definition of Electrician Trainee consistent with the statutory use of the term to which an exemption from the requirement for certification applies.

Section 291.0 is amended to clarify the significance of being certified within a particular category of certification, including the situation when work may come within the scope of more than one category.

Section 291.1 is amended to be consistent with the changes proposed in Section 290.1 to delete the term “Electrical Contractor.” Here, the term “C-10 electrical contractor” is substituted, to clarify that the qualifying work experience for certification, for all categories, must be performed while working for a C-10 electrical contractor.

Section 291.2 is amended at subsection (g) in the first sentence to increase readability. In the second sentence, the requirement for a “certificate” of completion of approved curriculum in order to take the certification test is deleted, as not all Educational Providers issue “certificates.” Instead, the word “proof” of completion is proposed, to encompass any manner of proving completion. In the third sentence, it clarifies that certification is not complete until proof of experience is provided for the classification for which certification is sought. The fourth sentence is amended to be consistent with the proposed changes in Section 291.0 to the definitions of Electrician Trainee and Electrician Trainee Registrant.

Section 291.5 is amended in subsection (a) to expand the sources from which a certified individual may pursue further electrical education within his or her category of certification for purposes of certification renewal to include state and federally approved apprenticeship programs, and to permit the same hours of continuing education to count towards more than one category of certification to which those hours are relevant.

Section 292.0 is amended to be consistent with the proposed changes in Section 291.0 to the definitions of Electrician Trainee and Electrician Trainee Registrant.

Section 294.0 is the “enforcement” provision for the electrician certification regulations. It is amended to extend the period during which a person who has wrongfully claimed to be certified is barred from taking the certification test from five (5) years to seven (7) years, and additionally bars that person from registering as an electrician trainee during that period.

Section 295.0 is amended to be consistent with the proposed changes in Section 291.0 to the definitions of Electrician Trainee and Electrician Trainee Registrant, and to clarify that while DAS keeps track of and will publish the identity of individuals who register with DAS to become Electrician Trainees (*i.e.*, Electrician Trainee Registrants), it does not monitor whether the individual is compliant with all the requirements necessary to be deemed an Electrician Trainee under the statute and exempt from the requirement for certification.

Section 296.0 is amended to implement changes recently enacted in AB 2907, as follows: Subsection (c) is amended to be consistent with the statutory changes requiring that curriculum for electrician trainees be designated as approved by the Electrician Certification Curriculum Committee [“ECCC”], and permitting private postsecondary institutions registered by the Bureau for Private Postsecondary & Vocational Education to provide such curriculum. Subsection (d) is amended to implement the statutory changes placing limitations on the designation of approval curriculum for electrician trainees where the curriculum offered by the provider does not comprise a complete program of curriculum for the category of certified electrician, and placing renewal obligations on the provider. Subsection (e) is added to implement the statutory changes placing disclosure obligations on a provider offering only a partial curriculum in its communications to students and the public. Subsection (f) is added to implement the statutory changes requiring providers offering approved curriculum to annually notice the

ECCC regarding the status of their curriculum. Subsection (g) is added to implement the statutory changes requiring the ECCC to review approved curriculum and withdraw approval where it cannot be assured that the approved curriculum continues to meet the curriculum standards.

Section 296.1 is amended to be consistent with the proposed changes in Section 291.0 to the definitions of Electrician Trainee and Electrician Trainee Registrant, and to add a requirement that an individual whose registration was withdrawn, denied, or cancelled must show good cause to reapply.

Section 296.2 is amended in six ways: to be consistent with the proposed changes in Section 291.0 to the definitions of Electrician Trainee and Electrician Trainee Registrant; to enlarge the scope of who is considered enrolled in approved curriculum to include those who are taking less than 150 hours per calendar year when they need less than that to finish up their final year, and those unable to sign up for classes during a 180-day window before classes start; to delete the requirement that curriculum providers notify DAS when electrician trainees withdraw from courses; to add a requirement that the electrician trainee registrant must notify DAS when no longer enrolled in the curriculum; and to add clarifying language of its terms and provisions.

Section 296.3 is amended to clarify that for purposes of the 1:1 ratio of certified electrician to electrician trainee required by statute in the electrician trainee's employment, registered apprentices need not be counted as uncertified persons: *i.e.*, a certified electrician may be counted as supervising an electrician trainee for purposes of this ratio even if that certified electrician is also being counted as a journeyman towards the journeyman-to-apprentice ratio required for apprenticeship purposes.

Section 296.4 is amended to be consistent with the proposed changes in Section 290.1 to the definitions of Electrician Trainee and Electrician Trainee Registrant.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

None of the proposed regulations mandates the use of specific technologies or equipment.

TECHNICAL, THEORETICAL, EMPIRICAL, OR OTHER STUDIES:

The proposed regulations are not based on a consideration of any technical, theoretical, empirical or other studies.

ALTERNATIVES:

The Division has not formally considered alternatives to the proposed action. The public is invited to provide comments and suggestions regarding alternatives during the comment period. The proposed action is not expected to have an adverse impact on small business, as the regulations do not impose any significant economic impact independent of the statutes which they implement.